

**IN IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANDREW R. PERRONG,

Plaintiff,

vs.

CHARLIE FOR GOVERNOR, CHARLES
GEROW, AND MARGUERITE LUKSIK

Defendants.

Case No. 2:22-cv-04013

**DECLARATION OF ANDREW R. PERRONG IN SUPPORT OF
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

1. My name is Andrew R. Perrong. I am over 18 years old. I can testify competently to the undersigned statements.

2. This declaration is based on my personal knowledge.

3. My telephone number 215-947-XXXX is on the National Do-Not-Call Registry and has been since I registered it there in 2005.

4. I am the user of 215-947-XXXX. I never provided my consent to Defendants to make calls to this number.

5. On May 6, 2022, I received a prerecorded call from the Caller ID 223-322-0908 voiced by Marguerite Luksik. I recorded the call. In preparation of the instant Motion for Summary Judgment, I reviewed the recording. A true and correct transcript of the call recording is as follows:

Hello. This is pro-life leader Peg Luksik, 223-322-0908. On Saturday, May 7, between the hours of 7:30 and 8:30 PM, Congressman GT Thompson will be hosting a live interactive townhall meeting over the telephone with his choice for Republican Governor Charlie Gerow. They will be discussing the importance of a governor who will defend human life and stand against the federal government's push to indoctrinate our children, destroy our economy, stifle our energy, and even decide what speech should be allowed. You will receive an invitation call at approximately 7:30 PM on Saturday, May 7. To participate, simply remain on the line and you will automatically be connected to

Congressman Thompson's live Tele-Town Hall event. If you miss this invitation, you can still participate by dialing in to 855-756-7250. Enter pin number 81077 followed by the pound sign on Saturday, May 7 at 7:30 PM. Thank you.

6. On May 7, 2022, I received a prerecorded call from the Caller ID 223-322-0908 voiced by Marguerite Luksik, a robot, and Charles Gerow. I recorded a part of the call. In preparation of the instant Motion for Summary Judgment, I reviewed the recording. A true and correct transcript of the call recording is as follows:

Hello. This is pro-life leader Peg Luksik at 223-322-0908. Congressman GT Thompson is currently conducting a live toll free townhall meeting over the phone with his choice for Republican Governor Charlie Gerow. To give you an opportunity to ask Charlie questions about his positions on the issues, I would be deeply grateful if you would please stay on the line and allow us to automatically connect you to his live townhall meeting. If you would prefer not to receive this type of call in the future, please push the number two on your phone keypad now. Again, please join Congressman GT Thompson with his choice for Republican Governor Charlie Gerow. Welcome to our telephone townhall meeting which is now in progress. Thank you. . . . (robot voice) You are joining a live conference already in progress. Please be aware that your local phone company may leave your line open for up to 32 seconds after you leave the conference. If you would like to ask the speaker a question, please press zero. . . . (Defendant Gerow's voice) I'm a strong supporter of the Second Amendment and life member of the National Rifle Association. And if anybody wants to see how deeply committed I am to the issue, they can go to my website, CharlieForGovernor.com, and see a picture of my 98 year old mother holding her AR-15.

7. These calls were prerecorded because they played all the way through without stopping.

8. The recordings of the calls I reviewed also indicate that I was speaking at various points of the calls, including a statement that the calls were being recorded. However, when I spoke, the messages continued on, and did not terminate, pause, or demonstrate any other indicia that a human being was on the line or any other facts to indicate that the calls were not prerecorded.

9. I also recall that on the second call I pressed "0" to speak with someone and attempt to have a conversation, but nothing happened when I pressed "0." Accordingly, I

suspect that this “live” call was “live” only in the sense that the pre-recorded town hall discussion was set to begin playing on May 7, 2022 at 7:30 PM.

10. Defendant Gerow confirmed that the town hall event was prerecorded when I deposed him.

11. I also reviewed my telephone records from my telephone company, Anveo, to see how much I was charged in talk time for the calls that were made to me.

12. I have attached a true and correct copy of my telephone billing records for the calls at issue to my motion as Exhibit C.

13. Those records indicate that I received two calls from the caller ID 223-322-0908 and that I was billed \$0.004 for the first call on May 6 and \$0.04 for the second call on May 7.

14. Other than taking my deposition, Defendant propounded no discovery on me.

15. To be clear, I do nothing to precipitate the illegal calls which are placed to me. I do not want these communications, but they continue to be placed to me. They are highly annoying and disruptive. They therefore harmed me.

16. I understand that this lawsuit alleges that the Defendant violated the Telephone Consumer Protection Act by placing prerecorded calls to my telephone number without obtaining proper consent.

17. I have never proactively created or found TCPA claims nor entrapped businesses. I do not welcome nor invite these illegal calls and have taken measures for them to stop, including by placing my number on the Do-Not-Call Registry and holding those who call me accountable for their actions.

18. I was deprived of legitimate use of my telephone, bandwidth, power, and storage space and my privacy was improperly invaded. Additionally, my statutory rights as recognized

by the TCPA were violated. Illegal calls are frustrating, obnoxious, and annoying. They are a nuisance and disturbed my solitude and wasted my time.

19. I do not and have never welcomed nor wanted illegal calls and do nothing to receive or deserve them. My injury was done completely at the hands of Defendants, who took it upon themselves to send me multiple calls in violation of the TCPA.

20. I brought this case not for personal motives or financial gain, but as a bulwark for the rights of consumers against illegal telephone conduct. I was not paid by anyone to do so.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 15th day of January, 2024



ANDREW R. PERRONG